

Message Text

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C O N F I D E N T I A L QUITO 4037

E.O. 11652: GDS
TAGS: PINT, EC
SUBJECT: ELECTORAL TRIBUNAL STOPS BUCARAM'S VICE-MAYOR BID

REF: QUITO A-34

1. BEGIN SUMMARY: IN A CONTINUATION OF EARLIER MOVES AGAINST THE ELECTORAL AMBITIONS OF POPULIST ASSAD BUCARAM, THE SUPREME ELECTORAL TRIBUNAL JUNE 13 RULED HIM INELIGIBLE TO RUN FOR THE OFFICE OF VICE MAYOR OF GUAYAQUIL. HIS DISQUALIFICATION ENDS ANY POSSIBILITY HE MIGHT HAVE HAD TO APPEAR ON A BALLOT JULY 16. HIS DISQUALIFICATION GREATLY FAVORS THE GUAYAQUIL MAYORAL CANDIDACY OF MIGUEL SALEM AND WEAKENS HIS POSSIBILITIES OF MAINTAINING HIMSELF AND THE CFP AS SERIOUS CONTENDERS FOR THE 1983 PRESIDENTIAL RACES. HIS ANGER AT BEING DISQUALIFIED IS BEING DIRECTED AT RAUL CLEMENTE HUERTA AND MAY THUS HAVE AN IMPACT ON THE RESULTS OF THE PRESIDENTIAL ELECTION.
END SUMMARY.

2. THE SUPREME ELECTORAL TRIBUNAL (SET) ON JUNE 13 DISQUALIFIED ASSAD BUCARAM'S INSCRIPTION AS THE CFP'S CANDIDATE AS VICE MAYOR OF GUAYAQUIL. THIS DECISION REVERSED THE EARLIER ACTION OF THE GUAYAS ELECTORAL TRIBUNAL WHICH ACCEPTED HIS INSCRIPTION.
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3. BUCARAM'S CANDIDACY WAS CHALLENGED BECAUSE THE MUNICIPAL ELECTIONS LAW PROVIDES THAT FORMER MAYORS AND PROVINCIAL PREFECTS ARE NOT ELIGIBLE FOR REELECTION. AS VICE MAYOR BUCARAM COULD CONCEIVABLY (AND CONTRARY TO THE SPIRIT OF THE LAW) SUCCEED TO THE OFFICE OF MAYOR BY THE DEATH OR RESIGNATION OF THE INCUMBENT. ALTHOUGH THE

GUAYAS TRIBUNAL REJECTED THAT ARGUMENT, THE SET, ON APPEAL, ACCEPTED IT.

4. THE CFP VIGOROUSLY PROTESTED THE SET DECISION, SAYING THAT IT WAS BASED ON THE DESIRE OF THE GOE AND "OFFICIAL CANDIDATES" TO DENY BUCARAM ANY ELECTED OFFICE RATHER THAN ON A CORRECT READING OF THE LAW. AS THE CFP SWORE IT WOULD IMMEDIATELY OFFER ANOTHER CANDIDATE SO AS NOT TO BE KEPT OFF THE BALLOT, BUCARAM SPECIFICALLY TARGETED THE LIBERALS' RAUL CLEMENTE HUERTA AS THE "OFFICIAL" CANDIDATE RESPONSIBLE FOR THE SET DECISION.

5. COMMENT: THE ELECTION OF BUCARAM AS VICE MAYOR OF GUAYAQUIL MIGHT VIOLATE THE SPIRIT OF THE MUNICIPAL ELECTIONS LAW, SINCE IT APPEARS THAT THE REAL INTENTION OF THE DRAFTERS WAS THAT A PERSON NOT SERVE MORE THAN ONE TERM AS MAYOR. HOWEVER, HIS CANDIDACY DOES NOT APPEAR TO VIOLATE THE LETTER OF THE LAW. EVEN EDUARDO CARRION, THE SOCIAL CHRISTIAN CANDIDATE FOR MAYOR, TOLD EMBOFFS JUNE 7 THAT THE LAW MERELY SAID THAT EX-PREFECTS AND EX-MAYORS COULD NOT STAND FOR REELECTION TO THOSE SPECIFIC OFFICES; HE BELIEVED (IN SPITE OF A STRONG PERSONAL ANTI-BUCARAM BIAS) THAT BUCARAM WAS LEGALLY QUALIFIED TO RUN FOR VICE MAYOR. IN THE SET'S EARLIER DECISIONS ON THE FRANCISCO HUERTA CANDIDACY AND THE QUALIFICATION OF THE POPULAR DEMOCRACY (DP) PARTY IT CONFIDENTIAL

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HEWED CLOSELY TO A PAINFULLY LITERAL WORDING OF THE LAW. IN THIS CASE IT HAS ADOPTED A VERY LIBERAL INTERPRETATION, INDICATING THE CONTINUATION OF A STRONG ANTI-BUCARAM BIAS IN THE SET. THE MOVE CAN BE CONSIDERED AS PART OF A SERIES OF ACTS AIMED AT BUCARAM INCLUDING HIS EXCLUSION AS A PRESIDENTIAL CANDIDATE, THE DENIAL OF RECOGNITION TO POPULAR DEMOCRACY - THE CFP'S COALITION PARTIES, AND THE PEREMPTORY DISQUALIFICATION OF HIS WIFE AS A GUAYAQUIL MAYOR CANDIDATE.

6. THE REMOVAL OF THE PERSON OF BUCARAM FROM THE GUAYAQUIL BALLOT STRONGLY FAVORS THE MAYORAL CANDIDACY OF MIGUEL SALEM, THE PNR (OF CARLOS JULIO AROSEMENA) CANDIDATE AND TWO TIME MINISTER OF PUBLIC WORKS. SALEM IS SUPPORTED BY HUERTA AND VIRTUALLY ALL PARTIES NOT IN DURAN-BALLEN'S FNC COALITION. THE CFP'S MAYORAL CANDIDATE, AQUILES RODRIGUEZ IS NOT A BIG DRAWING CARD AND IT SEEMS UNLIKELY THAT THE CFP CAN REPLACE BUCARAM WITH A WELL-KNOWN AND POPULAR PUBLIC FIGURE AT THIS LATE DATE. ALTHOUGH THE CFP MUST STILL BE CONSIDERED THE FAVORITE, A VICTORY BY SALEM WOULD SERIOUSLY WEAKEN THE CFP'S HOPE OF MAINTAINING ITS POWER BASE IN THE

MUNICIPALITY OF GUAYAQUIL AND THUS FURTHER LIMIT THE CFP'S AND BUCARAM'S PROSPECTS FOR THE 1983 PRESIDENTIAL ELECTIONS.

7. BUCARAM'S STRONG ATTACK ON HUERTA AS BEING RESPONSIBLE FOR HIS DISQUALIFICATION ALSO BRINGS INTO QUESTION AN ASSUMPTION OF MAYN LOCAL POLITICIANS, I.E., THAT IN THE CASE OF A HUERTA/DURAN-BALLEN CONTEST IN THE SECOND ROUND, THE CFP AND BUCARAM WOULD SUPPORT HUERTA. BUCARAM IS CAPABLE OF SUSTAINING STRONG PERSONAL ANIMOSITIES INDEFINITELY AND IF HE IS REALLY CONVINCED THAT HE WAS TORPEDOED BY HUERTA, HE COULD ADOPT A PRONOUNCED NEUTRALIST POSITION, OR EVEN TRY TO SWING THE CFP BEHIND DURAN-BALLEN.
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